#### IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA Alexandria Division

01 COMMUNIQUE LABORATORY, INC.,	) )
Plaintiff,	)
vs.	Civil Action No. 1:10-cv-01007-CMH-TRJ
LOGMEIN, INC.,	) )
Defendant	, ) )

### **LOGMEIN, INC.'S PROPOSED VOIR DIRE QUESTIONS**

Defendant, LogMeIn, Inc. ("LogMeIn"), by counsel, respectfully submits the following proposed voir dire questions.

# **Knowledge of the Parties, Law Firms, and Witnesses in this Lawsuit:**

- 1. "Do any of you, or does anyone you know, currently work for 01 Communique or have you, or has anyone you know, worked for 01 Communique in the past?" [If there are affirmative responses, LogMeIn proposes the Court request further details regarding the nature of the prospective juror's work or knowledge of another's work for 01 Communique].
- 2. "Do any of you, or does anyone you know, currently work for LogMeIn or have you, or has anyone you know, worked for LogMeIn in the past?" [If there are affirmative responses, LogMeIn proposes the Court request further details regarding the nature of the prospective juror's work or knowledge of another's work for LogMeIn].
- 3. "Do any of you, or have any of you, ever owned any stock in, or otherwise had financial investments or business dealings with, either 01 Communique or LogMeIn?" [If there are affirmative responses, LogMeIn proposes the Court request further details regarding the

nature and extent of the prospective juror's stock interest, financial investments, and business dealings with 01 Communique or LogMeIn].

- 4. "01 Communique is represented by the law firm of Baker & Hostetler, LLP. Are any of you familiar with that firm, or do any of you otherwise know anything about this law firm?" [If there are affirmative responses, LogMeIn proposes the Court request further details regarding the nature of the prospective juror's knowledge of Baker & Hostetler, LLP].
- 5. "LogMeIn is represented by the law firms of Winston & Strawn LLP and Wilmer Cutler Pickering Hale & Dorr LLP. Are any of you familiar with either of those firms, or do any of you otherwise know anything about these law firms?" [If there are affirmative responses, LogMeIn proposes the Court request further details regarding the nature of the prospective juror's knowledge of Winston & Strawn LLP and/or Wilmer, Cutler, Pickering, Hale & Dorr LLP].
- 6. "I'm going to read a list of witnesses to you. I want you to tell me, at the conclusion of it, if you are either personal friends, relatives of, or have any kind of business relationship with any of these people:

Marton Anka

**Kevin Bardos** 

Steven Boyer

Samrat Bhattacharjee

Robert Brlas

Andrew Burton

Andrew Cheung

Michael Cheung

Michael Donahue

**Gregory Ganger** 

Christopher Gerardi

Andrew Grimshaw

**Edward Herdiech** 

James Kelliher

Stephen Kunin

Harry Manbeck

Pedro Nascimento Laura Pasquale Michael Simon Brian Stringer

[If there are any affirmative responses, LogMeIn proposes that the Court request further details regarding how and how well the prospective juror knows or is familiar with the witness(es)].

7. "Are any of you familiar with the dispute at issue here between 01 Communique and LogMeIn?" [If there are any affirmative responses, LogMeIn proposes that the Court request further details regarding the nature and extent of the prospective juror's knowledge of the dispute between 01 Communique and LogMeIn].

### **Remote Access**

- 8. "Are any of you current customers of 01 Communique?" [If there are any affirmative responses, LogMeIn proposes that the Court request further details regarding the prospective juror's current status with 01 Communique].
- 9. "Are any of you former customers of 01 Communique?" [If there are any affirmative responses, LogMeIn proposes that the Court request further details regarding the prospective juror's reason(s) for no longer being a customer of 01 Communique].
- 10. "Are any of you current customers of LogMeIn?" [If there are any affirmative responses, LogMeIn proposes that the Court request further details regarding the prospective juror's current status with LogMeIn].
- 11. "Are any of you former customers of LogMeIn?" [If there are any affirmative responses, LogMeIn proposes that the Court request further details regarding the prospective juror's reason(s) for no longer being a customer of LogMeIn].
- 12. "Are any of you familiar with computer products that provide remote access from one computer to another computer over the Internet?" [If there are any affirmative responses,

LogMeIn proposes that the Court request further details regarding the prospective juror's familiarity with remote access]

## **Background and Familiarity with Claims:**

- 13. "Do any of you, or does anyone you know, currently work for the U.S. Patent & Trademark Office or have you, or has anyone you know, worked for the U.S. Patent & Trademark Office in the past?" [If there are any affirmative responses, LogMeIn proposes that the Court request further details regarding the prospective juror's work or knowledge of another's work for the PTO].
- 14. "Have any of you, or anyone you know, ever had any experience with applying for or obtaining a United States patent, trademark, or copyright?" [If there are any affirmative responses, LogMeIn proposes that the Court request further details regarding the nature and extent of the prospective juror's knowledge and experience with patents, trademarks, and/or copyrights].

### **Education/Engineering/Computer Background:**

- 15. "Do any of you have any training, education, or work experience as an electrical engineer?" [If there are any affirmative responses, LogMeIn proposes that the Court request further details regarding the nature and extent of the prospective juror's electrical engineering background, including the extent of education and the types of experience within the field.]
- 16. "Do any of you have any training, education, or work experience in computer science?" [If there are any affirmative responses, LogMeIn proposes that the Court request further details regarding the nature and extent of the prospective juror's knowledge and experience in computer science].

- 17. "Do any of you have any training, education, or work experience as a software engineer or designer?" [If there are any affirmative responses, LogMeIn proposes that the Court request further details regarding the nature and extent of the prospective juror's software engineering background, including the extent of education and the types of experience within the field.]
- 18. "Do any of you have any training, education, or work experience related to writing source code?" [If there are any affirmative responses, LogMeIn proposes that the Court request further details regarding the nature and extent of the prospective juror's work with source code, including the extent of education and the types of experience within the field.]
- 19. "Do any of you have training, education, or work experience in research and development?" [If there are any affirmative responses, LogMeIn proposes that the Court request further details regarding the nature and extent of the prospective juror's work with research and development, including the types of experience within the field.]
- 20. "Do any of you have any training, education, or work experience in the legal field?" [If there are any affirmative responses, LogMeIn proposes that the Court request further details regarding the nature and extent of the prospective juror's legal background, including the area of legal experience, the extent of education, the types of work experience within the field, and whether the prospective juror has any experience, education, or training specifically related to the area of patent law].
- 21. "Do any of you have any training, education, or work experience in the financial or accounting field?" [If there are any affirmative responses, LogMeIn proposes that the Court request further details regarding the nature and extent of the prospective juror's legal

background, including the area of accounting or financial expertise, the extent of education, and the types of work experience within the field].

22. Have any of you been a party to a civil lawsuit where you (or a family member) sued someone else or where someone sued you (or a family member)? [If there are affirmative responses, LogMeIn proposes that the Court request further information regarding the prospective juror's knowledge and experience with the legal system.]

In addition to the questions listed above, LogMeIn reserves the right to request that the Court ask such follow up questions as are appropriate in light of the responses given by the prospective jurors to the Court's questions.

Dated: March 11, 2013 Respectfully submitted,

/S/ Charles B. Molster, III

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### **CERTIFICATE OF SERVICE**

I hereby certify that on this March 11, 2013, the foregoing document was served electronically upon the following counsel of record:

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